

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARIAN MANUEL POWELL,  
Plaintiff,  
v.  
SARADETH, et al.,  
Defendants.

No. 2:23-cv-00946-DAD-EFB (PC)

ORDER

Plaintiff is a state prisoner proceeding without counsel this action brought under 42 U.S.C. § 1983. On August 28, 2023, the court found that plaintiff had stated a potentially cognizable Eighth Amendment claim against defendant Saradeth but dismissed plaintiff's remaining claims with leave to amend. ECF No. 8. On September 11, 2023, plaintiff filed a Notice of Election, informing the court of his intention to file an amended complaint. ECF No. 11. On September 15, 2023, plaintiff filed a "motion for discovery." ECF No. 12.

Plaintiff's discovery motion is premature. Discovery will proceed in this action according to the Federal Rules of Civil Procedure and the court's discovery and scheduling order, which will issue after defendants have been served with, and responded to, a complaint.

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Accordingly, it is hereby ORDERED that:

1. Plaintiff's September 15, 2023 motion for discovery is DENIED; and
2. Plaintiff shall file his amended complaint within 30 days of service of this order.

Dated: October 13, 2023

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE